

Atty. Docket No. JD-292 US**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Paul F. Lewis, et al.**

Application No.: 10/709,350

Filed: April 29, 2004

For: *Method of Enhancing a Soiled Porous Surface and Maintenance Thereof*

Group No.: 1751

Examiner: John M. Petruncio

I, hereby certify that this correspondence is being deposited with the United States Patent Office Via Facsimile No. 571 273-8300, to the Attention of Examiner John M. Petruncio, Art Unit 1751, on 18 July 2005


Sally Pray-Ayers

Commissioner for Patents
P.O. Box 1450
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**DECLARATION OF DAVID H. MAUER
UNDER 37 C.F.R. 1.132**

I, David H. Mauer, hereby declare as follows:

1. I am a resident of Kenosha County, Wisconsin and am employed as Senior Group Leader in the Surface Care area for JohnsonDiversey, Inc., the assignee of the above-identified patent application.
2. My educational background is as follows: I received a BS degree from University of Wisconsin in Biology in 1983 and in chemistry in 1986. I have worked as a Scientist for the last 19 years with JohnsonDiversey, Inc. and its predecessors. My research has been on synthesis characterization and applications of different types of polymers and products for use in Architectural coating products and floor care products.
3. I am familiar with U.S. Patent Application No. 10/709,350 and the inventive method described therein.
4. I have reviewed the Examiner's Office Actions related to Application No. 10/709,350 dated September 10, 2004 and February 24, 2005, as well as the Ruggiero, et al. and Terasse, et al. references cited therein and the cleaning compositions and coating compositions used in such method.
5. That in forming a permanent or semi-permanent coating composition suitable for use on a surface, such a coating composition must be applied appropriately and allowed to remain on the surface undisturbed until dry for continuous film coating formation.
6. That subsequent removal of the excess portion of the maintainer composition not filling in the pores as in the method of the '355 application would not result in coating formation.
7. That maintainer composition in the present invention would not result in coating formation.

8. That if the maintainer composition were applied to a surface, either as is or at use dilution, and all of the volatile components were allowed to evaporate, it would not result in coating formation. Rather, the result is a free flowing, high viscosity liquid that is slippery to the feel and has no durability as is associated with a solid coating.
9. That the terms "film" and "coating" are not interchangeable. The term "film" in the surface care area is understood to mean a thin layer of either a liquid, gel or solid material. Conversely, a coating in the surface care area is understood to mean a continuous layer of a solid material.
10. That application of a "coating composition" as in Terasse, et al. to a soiled surface would trap and encase dirt particles thereby resulting in a soiled surface that would require stripping of the resulting coating to remove the soil.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

July 18, 2005Signature David H. Maier
Signature David H. Maier